



PLANNING COMMISSION STAFF REPORT SEPTEMBER 23, 2010

Project:	PATTERSON RANCH PLANNED DISTRICT (PLN2005-00186)
Proposal:	To Consider a General Plan Amendment, Preliminary and Precise Planned District, Development Agreement and EIR Certification for eventual development of 101 acres of land into 500 single-family residential lots and associated parks, trails, streets and utilities.
Recommendation:	Recommend to City Council
Location:	Northeast quadrant of Ardenwood Boulevard and Paseo Padre Parkway intersection in the Northern Plain Planning Area. APNs 543-0439-001; 543-0236-001-12; 543-0236-001-13 (See aerial photo next page)
Area:	Three parcels, approximately 80, 13 and 8 acres for 101 acres total.
People:	Richard Frisbie, Applicant Bob Chan, Mackay and Soms Civil Engineers, Consultant Guzzardo Landscape Architects, Consultant Keenan Land Company, Brookmat Corporation, Property Owners Scott Ruhland, Staff Planner (510) 494-4453; sruhland@fremont.gov
Environmental Review:	A Draft and Final EIR were prepared for the project.
General Plan:	Existing: Open Space, 0.25-1 unit/acre, Study Area, Urban Reserve Proposed: <u>Low Density Residential 4-6 units per acre</u>
Zoning:	Existing: A, A(F) - Agriculture, Agriculture Flood Combining District Proposed: <u>Preliminary and Precise Planned District, P-2005-186</u>

EXECUTIVE SUMMARY

The applicant is requesting approval of a General Plan Amendment (GPA), Preliminary and Precise Planned District (PD), Development Agreement (DA) and Final Environmental Impact Report (FEIR) for the development of up to 500 single-family residential units and associated parks, trails, streets and utilities. The project site is approximately 101 acres and located at the northeast quadrant of the Ardenwood Boulevard and Paseo Padre Parkway intersection in the Northern Plain Planning Area. The applicant has made several proposals for this site and a Draft Environmental Impact Report was published for a larger scale project in late 2009. The applicant has since substantially revised the project to the current proposal. A new Re-circulated Draft Environmental Impact (RDEIR) was prepared for the new project and released for public review from June 20 to August 4, 2010. A Final EIR was then prepared. Staff is recommending that Planning Commission recommend the project to City Council.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



SURROUNDING LAND USES

North: Crandall and Alameda Creeks, Residential in the City of Union City further beyond

South: Office and Research and Development uses in the Ardenwood Technology Park

East: Single Family Residential

West: Open Space, Vacant Land and Coyote Hills Regional Park

BACKGROUND AND PREVIOUS ACTIONS

The Patterson Ranch project is located on land originally owned by George Patterson and is the last remaining collection of parcels owned by the Patterson Family. This land was designated as a Study Area and Urban Reserve in the 1991 General Plan after development of the Ardenwood-Forest New Town project in the 1980's. Development of the property has been envisioned in the General Plan since the 1970's. The City's Study Area designation is used to identify property that is intended for development after appropriate studies and analysis have been completed. The project currently proposed for the property has evolved over the last 10 years, originally envisioned as 1,800 homes, now capped at a maximum of 500 homes. A substantial amount of study and analysis has been conducted in order to fully evaluate the project and allow it to move through the public hearing process for consideration.

PROCEDURE FOR TONIGHT'S HEARING

At tonight's hearing, the Planning Commission is charged with completing four primary tasks:

1. Consider adequacy of Draft and Final EIR.
2. Consider request for approval of General Plan Amendment based on findings specified in Chapter 3, Land Use Element of the Fremont General Plan to permit the land use change.
3. Consider request for approval of the proposed Preliminary and Precise Planned District, based on findings specified in Section 8-21813 of the Fremont Municipal Code to permit Planned District, P-2005-186.
4. Consider request for approval of Development Agreement based on findings specified in Section 8-7107 of the Fremont Municipal Code to approve the Development Agreement.

Summary of Related Items

Open Space Donation — A separate but related item pertains to the remaining lands adjacent to the project site. The approximate 327 remaining acres of the "Patterson Ranch" lands are proposed to be used as follows: (See Informational Item #2)

- **308 acres** donated as permanent public open space to public agencies
- **10 acres** donated for religious facilities (Not considered at this time, subject to future Conditional Use Permit review/approval)
- **8 acres** parkland dedication to the City (No proposal for improvement considered at this time)
- **1 acre** to Union Sanitary District for future construction of a Pump Station (Not related to or caused by the project)

Entitlement requests to these lands are not being considered at this time.

Relationship to Fremont Unified School District (FUSD) – As required by Assembly Bill 50, the project will pay full impact fees to the FUSD anticipated to total approximately \$6-7 million. The project applicant is also proactively working with FUSD to find solutions to address school overcrowding issues in the immediate area.

Remaining Process and Development Timeline - It is anticipated that the project will be built out over a 5-10 year time frame. Remaining entitlements include Tentative Map and Preliminary Grading Plan review and approval and subsequent Final Map and Improvement Plan approval. Site preparation,

including remediation and grading, is expected to take 4-6 years. Building permit review and the start of initial construction of structures could happen in that same time frame. The project will be built out over five phases as shown in Informational Item #3, Tentative Phasing Plan.

PROJECT DESCRIPTION

The applicant is requesting approval for a General Plan land use amendment and rezoning for the eventual development of 101 acres of vacant land into a new residential community with up to 500 single family homes on 80 acres and 21 acres of parks and trails. New streets, utilities and other infrastructure will also be developed to support the residential community. The homes will be built on various lot sizes including:

<i>Lot Size</i>	<i>Number of Lots</i>	<i>Home Sizes</i>	<i>FAR Range</i>
5,400 square feet	148	2,200-3,400 square feet	0.40 – 0.63
5,000 square feet	36	2,000-2,750 square feet	0.40 – 0.55
4,500 square feet	148	2,000-2,750 square feet	0.44 – 0.69
4,000 square feet	64	1,725-2,600 square feet	0.43 – 0.65
3,300 square feet	104	1,700-2,200 square feet	0.52 – 0.66
TOTAL	500 homes	1,925 - 2,740 sq ft*	0.44 – 0.64*

***Represents average square footage and FAR**

A second scenario was also proposed and considered in the EIR that consist of 448 single-family homes and 72 multi-family homes for a total of 520 units. However, the applicant has chosen to remove this scenario from consideration and is seeking approval for 500 single-family units only.

Site Density & Open Space

- 500 homes on 101 gross acres = **4.95 units per acre**
- 21 acres open space on 101 gross acres = **20.7% open space**

Other aspects of the project include:

- Improvement to Ardenwood Boulevard including a new signalized intersection with Ranch Drive, widening to three lanes, bike lanes, landscaping, sidewalks and frontage improvements.
- 21 acres of neighborhood parks, open space, trails and active recreation areas including:
 - Naturally landscaped stormwater treatment ponds and bio-retention area
 - Multi-use trail system linking to Alameda Creek Trail
 - Orchard trees and community garden implemented through an Urban Farm
- Public streets with enhanced intersection paving, crosswalks and landscaping
- Sustainable architecture and landscape design

Development Agreement

The applicant is also requesting approval of a Development Agreement entered into between the property owner and the City. The purpose of the Development Agreement is to vest the development approval over a 15-year time period. The Development Agreement will ensure certain guarantees to the property owners for the right to develop the project as proposed; and, will in return ensure the City receives certain contributions from the property owners. Some of these include:

- Payment of \$9,000,000 for Citywide park development and improvement
- Payment of \$337,600 into the Traffic Impact Fee program for Citywide street improvements
- Construction of Bay Trail along the Ardenwood Boulevard/Paseo Padre Parkway frontage
- Construction of City gateway along Ardenwood Boulevard
- Homeowners Association guarantees for funding and maintenance of all private facilities

The complete terms of the Development Agreement are included as Exhibit “F”.

PROJECT ANALYSIS

General Plan Conformance

The existing General Plan land use designation for the project site is Open Space, 0.25-1 unit per acre. The applicant is proposing to amend the existing General Plan land use designation for the project site to Low Density Residential, 4-6 units per acre to accommodate the project. See General Plan Amendment Exhibit “B”, The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

LAND USE GOAL 1: *New housing development while conserving the character of the City’s existing single-family residential neighborhoods.*

Policy 1.1: *The following list of allowed uses in areas designated for residential use is descriptive rather than fully inclusive.....Residential use is the primary allowed use in residentially designated area.*

Analysis: The project is consistent with this goal and policy because it proposes to designate the land *Low Density Residential, 4-6 units/acre*, consistent with the project.

HOUSING GOAL 2: *Ensure availability of high quality, well-designed and environmentally sustainable new housing of all types throughout the City.*

Policy 2.01: *Continue to update and apply building codes and adopt and maintain design standards to ensure development is of high quality, incorporates sustainable measures, and is consistent with the scale and character of the community.*

Analysis: The project is consistent with this goal and policy because it provides new single-family housing in the city. The housing developed will be required to be built to strict design standards contained in the Planned District and will be subject to conformance with 107 points on the Alameda County Build It Green checklist and also be evaluated per the Bay Friendly New Home Landscapes for sustainable measures. The project will also be developed in conformance with the City’s Affordable Housing Ordinance to provide additional affordable housing in the City either directly or through the payment of fees.

Urban Reserve and Study Area Designations

The project site also contains an Urban Reserve and Study Area designation. The Urban Reserve designation is exclusive to this area and was designated when Ardenwood Forest – New Town was established. The intent of the Urban Reserve designation was to identify land for future urban uses at

such time that development is warranted. Proposed development of the site is consistent with the Urban Reserve designation which will be removed if the General Plan Amendment is approved.

The Study Area designation applies to areas of the City that have been identified where conversion to an alternative use may be appropriate, but more analysis is required prior to making a final determination on a change in land use. The project site has been designated a Study Area since 1991. Proposed development of the site is consistent with the Study Area designation since appropriate land use and environmental studies have been completed and inform the recommendation for a General Plan Amendment.

Zoning Regulations

The project site is proposed to be rezoned from Agriculture, Agriculture Flood Combining District A, A(F) to Preliminary and Precise Planned District. (See rezoning map Exhibit “C.”) As such, new development, use and design standards and guidelines will apply as specified in the Planned District Guidelines (Exhibit “E”). The standards are based on existing zoning regulations as they apply to the R-1-6 zoning district, including the Small Lot Single-Family Design Guidelines, the zoning district most similar to the project. The project is consistent with all applicable Small Lot Design Guidelines, including guidelines related to Site Planning; Lot Plans and Building Configuration; Building Design, Elements, Materials and Color; and Open Space and Landscaping.

The zoning provides for up to 500 single-family homes. The zoning also allows for the open space, parks, trails, streets, sidewalks and all design details being proposed with the project. The standards for site plan and architecture review and future processing of the Planned District are incorporated into the Planned District Development Standards and Design Guidelines (Exhibit “E”) and Conditions of Approval (Exhibit “G”).

Some exceptions to the R-1-6 zoning district standard requirements are proposed, which include reduced building setbacks for street side yards and rear yards and lack of direct public street frontage for the 3,300 square foot lots. Auto courts and access easements will be provided for the 3,300 square foot lots to provide secure vehicular access to the public street. However, the exceptions are consistent with the Small Lot Single Family Design Guidelines and still achieve the intent for safety, privacy, emergency access and open space.

Parking

The project provides two covered and two uncovered off-street parking spaces per residential lot in compliance with the minimum parking standards for single-family homes. In addition, on-street parking is also provided. The project meets the requirements pursuant to Article 20, Parking Regulations, in the Fremont Municipal Code.

Affordable Housing

The project is subject to the Affordable Housing Ordinance. The applicant proposes comply with the affordable housing ordinance by payment of in-lieu fees. The amount to be paid will be based on the fee in effect at the time of building permit issuance or otherwise determined by the Affordable Housing Ordinance. The approximate estimate of the in-lieu fees to be paid over time will likely be based upon a \$19.50 per square foot amount which goes into effect July 1, 2013. However, the exact dollar amount of will vary depending on the fee in effect at time of building permit issuance. It is estimated that the project will eventually generate \$15-22 million dollars for affordable housing in the City.

Design Analysis:

Site Planning

The site is located adjacent to two primary arterials, Ardenwood Boulevard and Paseo Padre Parkway, and will be served by both. The site is divided into eight neighborhoods and various parks and open spaces. A large circular drive dominates the center of the site and loop streets branch out from it providing access to the neighborhoods. The outside of the drive will not contain parking, thereby allowing the landscape planter to be increased to nine feet in width. Large canopy shade trees will be planted along the drive and all streets. A bridge connects to the triangular neighborhood across Crandall Creek. The site plan maximizes access to the residential lots by looped streets and minimal cul-de-sacs. A perimeter trail and sidewalks along all streets provide complete pedestrian access. Enhanced intersection paving and cross-walks, and landscaping add to the pedestrian friendliness of the site. The open spaces are strategically placed to serve as focal points and provide visibility from the street.

Architecture

Several architectural styles were chosen for the homes including, French Country, Tudor, Craftsmen, California Spanish and Spanish Adobe. The City will allow flexibility in the architectural design given the anticipated build out of the project as long as building envelopes and square footages do not change. The City will encourage Craftsmen, Prairie Style, Bungalows, and diversity in style that reflect the location of the site. Architectural guidelines are included in the Planned District Guidelines and Conditions.

Green Building Technologies

The applicant has proposed a substantial green building and sustainable landscape measure program. A summary of the measures are as follows:

Green Building

1. Homes designed to meet minimum 107 points per Alameda County Green Building “Build it Green” checklist, or other method adopted by the City, prior to building permit submittal.
2. Homes to be certified as “Green Rated” per above and upon completion of construction.

Solar/Renewable Energy

1. Streets/homes oriented to maximize solar orientation.
2. Homes structurally designed to carry roof top load of solar panels.
3. Homes electrically designed for solar electricity.
4. Roof design oriented to maximize solar exposure and solar panel placement.
5. Builder optional installation of solar panels at time of construction.

Ranch House and Barn

Designed to achieve LEED certification

Other

1. All homes to have electric car charging stations installed in all garages.
2. All homes to have energy efficient water heaters.

Open Space/Landscape Design

A substantial open space, parks and landscape design is proposed for the project. Approximately 21 acres of parks and open space are proposed. The primary park and open space features are described as follows:

- *Orchard Park and Stormwater Pond Area (up to 5 acres)* – An orchard area is located at the main entry of the project along Ardenwood Boulevard. Adjacent to the orchard to the north is a stormwater treatment pond designed as a natural feature. The purpose of the pond is to treat stormwater runoff from the project site before it is discharged into Crandall Creek and the Bay. See Landscape Sheet L-5.
- *Major Entry Feature (1 acre)* – At the northeast corner of Ardenwood Boulevard and Paseo Padre Parkway an entry feature will be located to identify Patterson Ranch. This feature will include a farming related structure and landscaping plantings. The final design of this feature is subject to further review at time of tentative map approval.
- *Urban Farm Park (up to 5 acres)* – A crescent shaped park is located as a focal point as you enter the site off Ardenwood Boulevard. This area is planned to be the center of activity for the community. It will contain a community center for use by the residents and a barn to store materials for the Farm. The Farm will contain an orchard, gardening plots and community building available for farming use by the residents of the community. The Farm will be professionally managed See Landscape Sheet L-10.
- *Active Park (up to 3 acres)* – At the opposite end as the Urban Farm, an active park is planned with two tennis courts, one basketball court and active and passive play areas. It will include picnic areas and benches as well. See Landscape Sheet L-11.
- *Passive Park (up to 3 acres)* – Surrounded by Neighborhood 8, this park is intended as a stormwater treatment facility and bio-retention area. The park will include a trail, benches, small group picnic area and other passive features. See Landscape Sheet L-6.
- *Park Trail (up to 5 acres)* – A perimeter trail is located around the edge of the site along Crandall Creek, the railroad and Paseo Padre Parkway. This trail links all the neighborhoods to the Alameda Creek Trail. See trail cross-section on Sheet L-8, similar to Bay Trail.
- *Passive Native Area and Trail Access (up to 1 acre)* – This area is located near the bridge over Crandall Creek and will be furnished with benches and a picnic area in decomposed granite paving and concrete walkways connecting the trail to the sidewalk.

The overall landscape design will incorporate many sustainable features per the Bay Friendly Landscape Guidelines. These Guidelines will apply to all common areas and front yards of all homes. Some features in particular include the following:

- Use of Bay-Friendly Scorecard for New Home Landscapes
- 10% maximum lawn/turf area for front yards and common areas excluding active areas
- 75% minimum use of native and drought tolerant plant materials

- 100% landscaped based stormwater treatment
- Recyclable materials will be integrated into pavement and park/street furniture to extent practical

View Impacts

The project location is in a picturesque setting near Coyote Hills Regional Park and the San Francisco Bay. The project site is surrounded by existing development on three sides and is buffered by remaining open space lands west of Ardenwood Boulevard. Proposed development is generally consistent in size, scale and height to surrounding development. The development is not anticipated to block any views from adjacent properties. Although the project will change the appearance of the site from a vacant field to developed residential uses, view impacts were not considered significant.

Circulation

The proposed development is located at the intersection of Ardenwood Boulevard and Paseo Parkway, which are arterial streets with full street improvements along the project's frontage. Ardenwood Boulevard will be further improved with bike lanes and widening along sections of the project frontage (See Informational Exhibit #3). A new intersection will also be installed midway along Ardenwood with Ranch Drive, a new street providing access to the project. A new access point will also be installed along Paseo Padre Parkway at Tupelo Street, which will be extended into the project site.

The internal circulation consists of a network of public streets highlighted by large circular drive in the center of the site. The circular drive provides multiple points of access to the residential lots and will distribute traffic evenly throughout the site. Most streets are looped and minimal cul-de-sacs are proposed. A vehicular bridge provides access to Neighborhood 8. A second point of access will be provided to this area along the Alameda Creek Trail right of way.

Neighborhoods 1 and 6 include clusters of four homes with vehicular and pedestrian access provided by an auto court. The lots in the back of the auto court, furthest from the public street, lack the street frontage required in the Subdivision Ordinance and in the R-1 zoning district. In lieu of street frontage, the project provides access to the public street by reciprocal access easements between the four lots. The auto courts are consistent with the Small-Lot Single-Family Design Guidelines.

Neighborhood 8, Lots 32 through 35, are served by a private street that runs parallel to the railroad tracks. The private street also connects the internal public street with the trail and emergency vehicle access (EVA) along Alameda Creek. Because this private street serves more than the four lots this private street shall be a separate common area parcel owned and maintained by the homeowners association. The access roadway for these lots exceeds 150 feet in length and therefore required to have an approved turnaround. The access roads shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance.

The pedestrian circulation system is quite extensive. All streets include sidewalks and a perimeter trail provides access to all neighborhoods and links to the Alameda Creek Trail. A new section of the Bay Trail is also included in the project. It will be installed along the western edge of Ardenwood Boulevard and along the northern edge of Paseo Padre Parkway. All project trails shall be designed per City Standards. Pedestrian access easements that are provided to open space areas between lots shall have a minimum width of twenty feet.

Grading & Drainage

The applicant proposes to import approximately 300,000 cubic yards of soil to raise the site anywhere from approximately one to four feet. The purpose of importing the soil is to provide positive drainage flow for the storm drain system. The proposed storm drain is a City standard, gravity flow system that will outfall to Crandall Creek. It will take approximately 17,000 truck trips and up to five years to haul all the material to the site. The location where material will be imported from has not been identified. The truck route that will be used to haul soil to the site will be along Route 84 to Paseo Padre Parkway which will minimize potential impacts to adjacent uses. No residential uses are located along this route. More refined detail of the grading and fill operation will be presented at such time preliminary grading plan approval is requested.

Geotechnical Considerations

The project site is within a liquefaction zone, as shown on the official Seismic Hazard Zone maps issued by the State Geologist. A liquefaction analysis was performed by the project geotechnical engineer, Terrasearch, Inc., in January 2008, and supplements an earlier Terrasearch geotechnical investigation report (2000). The project geotechnical report anticipates settlement up to 4 inches, due to consolidation of Bay Mud layers below the surface. Half of the settlement is estimated to occur during site grading and construction of the site. The EIR includes measures (GEO-3a, GEO-3b, and GEO-3c) to mitigate the anticipated settlement and reduce risks to buildings.

Regarding the potential impact of settlement on the proposed public streets, the geotechnical analysis recommends over-excavating and re-compacting surface soils and using geogrid reinforcement to minimize cracking of street pavements. The analysis also includes a recommendation to design gravity-flow utilities (sewer and storm drain) to compensate for anticipated differential settlements. The project geotechnical engineer proposes completing design-level geotechnical investigations prior to project construction. The design-level geotechnical investigations shall include recommendations for the design and construction of public infrastructure improvements that perform to City standards and compensate for anticipated differential settlements.

Floodway Designation/FEMA

The project site includes a Floodway designation and is located in FEMA Zone "A" and "AE", special flood hazard areas subject to inundation by the one percent annual chance flood. However, the applicant has applied for and received a Conditional Letter of Map Revision (CLOMR) from FEMA to revise the flood maps for this area. The applicant has adequately shown through hydrologic data and modeling that past improvements to the Crandall Creek channel has increased the ability of the channel to contain increased surface flows typical with larger storm events and the one percent annual chance flood. The applicant's request remains conditional until the project is 100% complete and it can be demonstrated that the conditions in the application to FEMA remain the same and the project is certified built as proposed. FEMA will then issue a Letter of Map Revision (LOMR) to revise the Flood Insurance Rate Panel (FIRM) for this area. Hence, future home owners would not be required to purchase flood insurance for their home. The applicant's request from FEMA is exclusive from any project approval requested by the City.

Frontage Improvements

The project will be responsible for frontage improvements along Ardenwood Boulevard and Paso Padre Parkway per the City Street Right-of-Way and Improvement Ordinance, including appropriate travel

lanes, bike lanes, and sidewalks and landscaping. The frontage improvement along Ardenwood Boulevard shall be consistent with Informational Exhibit #4.

Utility Districts

The project site is located within the Alameda County Water District (ACWD) for domestic water service and Union Sanitary District (USD) for sanitary sewer service. Formal annexation of the site into the USD service area will be required. Both Districts have stated that they will be able to serve the project.

FINDINGS FOR APPROVAL

In order to approved the proposed General Plan Amendment, Preliminary and Precise Planned District, Development Agreement and EIR Certification the project must be found consistent with the General Plan, Zoning Ordinance and CEQA. Based on the above analysis, staff finds the proposed project is in conformance with General Plan, Zoning Ordinance and CEQA and recommends the following findings:

Planned District Findings

1. The proposed P district, or a given unit thereof, can be substantially completed within four years of the establishment of the P district because the project will be developed in phases and the first phase, which includes site remediation, import of material, site preparation, grading, and infrastructure installation, can be substantially completed within four years. The project also includes a Development Agreement that has a fifteen year term with an option for one five year extension.
2. Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts because the project consists of compatible single family uses designed per the Small Lot Single Family Design Guidelines and includes design and open space amenities, including enhanced intersection landscaping and design, Urban Farm and other neighborhood parks and sustainable building and landscape measures not normally included in residential development;
3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic because they are designed to public street standards deemed adequate for the project, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district because existing right-of-way and proposed improvements to arterials roadways will accommodate the project.
4. Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the planning commission

and the city council because all exceptions are in conformance with the Small Lot Single Family Design Guidelines and the amenities including enhanced intersection landscaping and design, Urban Farm and other neighborhood parks and sustainable building and landscape measures warrant such exceptions.

5. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development. The majority of the surrounding area is already developed with compatible single-family and employment uses. The remaining areas consist of open space uses. The proposed development is at a density lower the surrounding area.
6. With the proposed general plan amendment, the P district will conform to the general plan of the City of Fremont because it meets the intent of Low Density, 4-6 units per acre, Land Use designation; and,
7. Existing or proposed utility services are adequate for the population densities proposed because new utilities will be provided and existing utilities upgraded where necessary.
8. For residential developments with lots having an area of less than six thousand square feet:
 - a. The design and size of the dwelling units are in proportion to the size and shape of the lot and provide ample private open space because the Planned District has development standards to limit the height and floor area ratio of structures and include a minimum of three hundred square feet of private open space;
 - b. There is a diversity of design and structural elements within the P district through varied architectural design and style, lot and home size because four lot sizes with four architectural styles and four prototypes proposed for each style. Further, the City will allow flexibility in design as long as the intent of the Planned District is achieved;
 - c. Where the proposed residential P district abuts an existing residential development, the design of the proposed development is compatible with the design of the existing development because the majority of surrounding residential development is one and two story homes consistent with the proposed project. However, the project does not directly abut existing residential development; the project is buffered by Crandall Creek, the railroad and sound walls and two major thoroughfares.
 - d. A variety of architectural designs, setbacks and lot sizes have been used wherever possible in order to avoid a monotonous streetscape and to provide a varying visual open space along the street because four lot sizes exist with four architectural styles and four prototypes for each style. Flexibility in design and architectural style is also allowed in the Planned District;

- e. Implementation of this P district is consistent with the housing goals set forth in the general plan because it provides housing to residents of Fremont and will further the City's goals of providing affordable housing.

General Plan Findings

In regards to this area, the General Plan states that.....The City will consider a General Plan Amendment for the area of the Northern Plain northerly of Paseo Padre Parkway, between Route 84 and the Santa Fe Pacific Railroad tracks designated Open Space to other designations to allow other uses at such time as:

1. The area known as Ardenwood Forest New Town is substantially developed;
This residential portion of Ardenwood Forest new Town area has been developed for many years. The industrial/technology park is substantially developed with a few vacant parcels remaining. The commercial portion has been converted to residential uses and is under construction.
2. The need and appropriateness of the uses can be demonstrated;
The proposed uses are similar and compatible to surrounding residential development and the property owners intend to entitle the land now and develop when market conditions are favorable but will commence within four years from the time of approval.
3. The finding made that the environmental impacts are insignificant (or overriding considerations finding is made), and;
The appropriate findings are made as part of the CEQA Findings that impacts are reduced to less than significant and a statement of overriding considerations has been prepared for the significant and unavoidable impacts.
4. The finding made the infrastructure is adequate to handle the additional uses.
Existing and proposed infrastructure will be adequate to handle the proposed project given that new streets designed to public street standards will be installed, street improvements to existing streets will be made, new utilities will be installed and improvements to existing utilities will be made and will be designed to public standards.

Development Agreement Findings

1. The proposed Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan as it relates to the land use, study area and urban reserve designation because it meets the intent of these designations and has satisfied the requirements of the General Plan as it pertains to the subject property;
2. The proposed Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located because residential uses are proposed for a residential land use designation;
3. The proposed Development Agreement is in conformity with public convenience, general welfare and good land use practice because the terms of the development agreement include

many public benefits including construction of the Bay Trail and monetary contribution that will be used for City-wide park and street improvements;

4. The proposed Development Agreement will not be detrimental to the health, safety and general welfare of the public because it does not require land uses or activities that would be incompatible with the surrounding area or community;
5. The proposed Development Agreement will not adversely affect the orderly development of property or the preservation of property values because it does not amend or modify any standards that would typically be required during the development review process.

The findings above are also contained in Exhibit "G".

CITY FEES

This project will be subject to citywide Development Impact Fees. These may include fire protection, park facilities, capital facilities and traffic impact. The applicant is proposing to dedicate 8 acres of land to the City to satisfy the park dedication requirement. The land is located at the northwest corner of the Ardenwood Boulevard/Paseo Padre Parkway intersection. All applicable fees shall be calculated and paid at the fee rates in effect at the time of permit issuance. The applicant may elect to defer payment in accordance with the City's Impact Fee Deferral Program.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) has been prepared for the proposed project, pursuant to the California Environmental Quality Act (CEQA). The purpose of an EIR is to act as an informational document that:

- Describes the proposed project in substantial detail, provides the project objectives, establishes the environmental setting, and identifies the potentially significant environmental effects of the project;
- Identifies feasible ways to minimize the significance of potential environmental effects;
- Discusses reasonable alternatives to the project that minimize, reduce, or avoid identified environmental effects.

The EIR is not intended to recommend either approval or denial of a project. Instead, the EIR process is intended to inform decision makers and the public about the potential environmental effects of a project to facilitate informed decision making. The EIR process includes preparation of a Draft EIR, and in this case, publication of a Recirculated Draft EIR, that is available for public comment for a minimum of 45 days. The Recirculated Draft EIR for the proposed project was circulated for public review from June 21, 2010 through August 5, 2010. Preparation of the Final EIR occurs at the conclusion of the Draft EIR comment period and includes responses to comments made on the Recirculated Draft EIR and any clarifying revisions to the Recirculated Draft EIR. The Final EIR for this project was made available for public review and delivered to Planning Commission members on September 10, 2010. Collectively, the documents are referred to as the "EIR."

Prior to acting on a proposed action, the Lead Agency must certify the EIR as adequate. To determine adequacy of an EIR, the Lead Agency must determine the sufficiency of the information in the document, not the correctness of its conclusions. Legal adequacy of an EIR is generally characterized by:

- All required contents are included;
- An objective, good-faith effort at full disclosure of potential environmental effects is provided;
- A reasonable treatment of issues is provided;
- Disagreement among experts is acceptable;
- Perfection is not required;
- Exhaustive treatment of issues is not required; and
- Minor technical defects are not necessarily fatal.

Proposed Project Analysis:

An EIR was prepared to consider and analyze the environmental effects of the proposed project. The proposed project as analyzed in the EIR includes development of 111 acres of a 428-acre project area for up to 520 residential units and associated infrastructure improvements. Since the time the Draft EIR was circulated, the overall project size has been reduced to 500 residential units. As such, the EIR provides a more conservative analysis of the potential project effects. Also as part of the project, site preparation activities, including soil remediation, material import, grading, infrastructure improvements and two religious facilities were analyzed. The EIR analyzed the direct and indirect effects of the activities associated with the proposed project including the impacts of all recommended mitigation measures.

Significant Effects and Mitigation:

The EIR identified potential impacts in 11 topical areas, including: Aesthetics, Agricultural Resources, Air Quality/Greenhouse Gas Emissions; Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Public Utilities and Energy; and Transportation. Four additional topics analyzed in the initial study were determined to have less-than-significant impacts, including: Land Use; Population and Housing; and Parks and Recreation; and Schools and Libraries.

For each of these 11 topics for which potential impacts were identified, further analysis of the impacts was completed in the EIR prepared for the project. Recommended mitigation measures would reduce the identified impacts for each of these topics to a less-than-significant level, excepting for five identified impacts in the topics of Agricultural Resources, Air Quality/Greenhouse Gas Emissions, Mineral Resources, Sea Level Rise and Cumulative Water Supply. The Draft and Final EIR include mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures are summarized in the Final EIR and MMRP, Exhibit "A".

Significant and Unavoidable Impacts:

As noted, the EIR identified significant environmental effects in the topical areas of Agricultural Resources, Air Quality/Greenhouse Gas Emissions, Mineral Resources, Sea Level Rise and Cumulative Water Supply that could not be mitigated to a less-than-significant level with mitigation. These impacts are as follows:

- 1) *Agriculture - Loss of Prime Agricultural Land (Cumulative Impact also)* - When the Notice of Preparation was released for the EIR in October 2007 the land was classified as Prime Agricultural Land by the State Department of Conservation. The land was re-classified as grazing land in 2008 and if considered today would not be an impact. However, the EIR must consider the land as classified when the NOP was issued. Mitigation is proposed to reduce this impact; however, it would not fully reduce it to a less-than-significant level. As a result, the impact is significant and unavoidable.
- 2) *Air Quality - Net emission increase in Reactive Organic Gases (Cumulative Impact also)* - The proposed project's operational emissions would exceed Bay Area Air Quality Management District daily thresholds for reactive organic gases (ROG). Mitigation is proposed to reduce this impact; however, it would not fully reduce it to a less-than-significant level. As a result, the impact is significant and unavoidable.
- 3) *Air Quality - Conflict with 2005 Bay Area Ozone Strategy (Cumulative Impact also)* – Because the proposed project would conflict with implementation of the *2005 Bay Area Ozone Strategy*, specifically in regards to population, vehicle miles traveled, and transportation control measures these impacts would be significant and unavoidable. Mitigation is proposed to reduce this cumulative impact; however, it would not reduce it to a less-than-significant level. As a result, the impact is significant and unavoidable.
- 4) *Air Quality - Temporary increase in dust/diesel emissions* – Emissions of dust and diesel exhaust during construction of the project would expose sensitive receptors to substantial pollutant concentrations during the construction phase of the project. Although it is only temporary these impacts would be significant and unavoidable. Mitigation is proposed to reduce this cumulative impact; however, it would not reduce it to a less-than-significant level. As a result, the impact is significant and unavoidable.
- 5) *Mineral Resources – Prevent extraction of regionally significant mineral resources (Cumulative Impact also)* – The project site has been identified by the State as having regionally significant mineral resources. The development of the project area would prevent the extraction of regionally significant sand and gravel deposits although extraction of these resources could also have significant impacts. There is no feasible mitigation and as a result, the impact is significant and unavoidable.
- 6) *Greenhouse Gas Emissions – Net increase in GHG emissions (Cumulative Impact)* - The project would potentially result in a substantial net increase in greenhouse gas emissions, resulting in a cumulative impact on global climate change. Mitigation is proposed to reduce the identified impact; however, it would not reduce this impact to a less-than-significant level. As a result, the impact is significant and unavoidable.
- 7) *Cumulative Sea Level Rise* –The project would develop land that is located within areas of projected tidal inundation due to sea level rise, which would place people and structures within a flood hazard associated with long-term sea level rise. There is no feasible mitigation and as a result, the impact is significant and unavoidable.

- 8) *Cumulative Water Supply – Uncertainty in future water supply could result in impacts*
Due to uncertainty in the overall water supply to the ACWD service area and potential for reductions in supply, cumulative impacts to water supply could occur. At this time mitigation measures have not been identified and planned to a level that would secure with certainty an adequate water supply to 2030 for the District. Although not certain, it is reasonably foreseeable that water supply for the District may be inadequate in 2030. Consequently, the project, along with other cumulative development in the District, may exceed identified water supplies. This constitutes a significant and unavoidable cumulative impact.

Statement of Overriding Considerations:

CEQA requires public agencies to balance the benefits of a project against its significant environmental effects when determining whether or not to approve it. CEQA defines benefits as economic, legal, social, technological, or other. If a project's benefits outweigh its unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." When a public agency approves a project with significant effects that are not avoided or substantially lessened with mitigation or changes to the project, the agency must state in writing the specific reasons to support its action based on the EIR and/or other information in the record. Because no level of mitigation would lessen the identified significant and unavoidable impacts to a less-than-significant level, the City Council must make a Statement of Overriding Considerations that, on balance, the benefits of the project outweigh the significant and unavoidable impacts. Benefits of the project include:

1. Inclusion of substantial green building and sustainable landscape measures
2. Provision of affordable housing either through construction or in-lieu fee
3. Urban farm, community garden and unique open space amenities
4. Bay trail improvement
5. Installation of city gateway
6. Consolidated development plan to east of Ardenwood Boulevard
7. Preservation of wetlands, Patterson Slough and unique biological resources
8. Ardenwood Boulevard improvement
9. Two new signalized intersections installed with project
10. Monetary contribution to City

Alternatives Analysis:

The EIR also considered three alternatives to the proposed project. The CEQA Guidelines require an analysis of a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The emphasis of the analysis is a comparison of the anticipated impacts of each alternative to the impacts associated with the proposed project, including a discussion as to whether or not each alternative would reduce, eliminate, or create new significant impacts.

The three alternatives analyzed include:

- 1) *No Project Alternative:* Pursuant to CEQA Guidelines, Section 15126.6 (e)(3)(A), when a project is a revision to an existing land use or regulatory plan, the No Project alternative will be the continuation of the existing land use or regulatory plan for the project site. In the case of the project area, the area is designated Open Space, Institutional Open Space, and Private Open

Space in Fremont's General Plan and is zoned Agriculture, Agriculture-Flood Combining, and Open Space Flood Combining.

The general plan designations allow for a variety of uses including open space, agriculture, low density residential, and parks, among others. The zoning, however, allows for primarily agriculture uses. This alternative assumes agricultural land uses on 341 acres as allowed under the existing general plan and zoning designations. Additional farm-related structures could be built in the project area, including residences for farm workers. For purposes of this analysis construction of two residential structures has been assumed as a reasonable amount of housing for workers on a single farm of this size. No other development is assumed, though rehabilitation of the existing buildings on the site could occur for farm use.

- 2) *No Build Alternative:* This alternative assumes the use of the land for existing purposes, specifically vacant land tilled occasionally to control weeds and open space. Under this alternative, no future development would occur within the project area. The existing structures onsite would remain and all existing uses in the project area would continue into the future. Under Alternative 1 no new structures would be built and no new human occupation or use of the project area would occur. Project impacts related to construction, new buildings, and human occupation of the site would therefore be completely avoided. Because tilling of the project area would still be allowed, this alternative would continue to have the potential to impact biological resources and cultural resources. The remaining issue areas are not discussed further since this alternative would not result in impacts in these categories.
- 3) *Reduced Development Alternative:* Implementation of this alternative would allow for the future development of 355 residential single-family units, associated neighborhood parks and trails, an 8-acre community park, and two religious facilities on the east side of Ardenwood Boulevard. The donation of 316 acres to a public agency, and donation of 1 acre to the Union Sanitary District (USD) for a pump station is also proposed under this alternative. The future use of this pump station is not part of the environmental evaluation. Development of this alternative would require grading activities similar to the project. This would include raising portions of the project area, in particular along Crandall Creek (K-line channel) and the Alameda County flood control channels. Soils from the western portion of the site, as well as imported material, if needed, would be redistributed throughout the area east of Ardenwood Boulevard to raise the elevations for proposed roadways, buildings, and infrastructure.

Environmentally Superior Alternative:

CEQA requires that the EIR identify the environmentally superior alternative. Each of the proposed alternatives would have fewer environmental impacts relative to the proposed project, with the *No Project/No Build Alternative* having the fewest. Therefore, the *No Project/No Build Alternative* is the environmentally superior alternative, as the project site would remain in its existing condition, thereby avoiding any potentially adverse environmental impacts. Pursuant to CEQA, if the *No Project/No Development Alternative* is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives.

Based on this review, the *Reduced Development Alternative* is considered the environmentally superior alternative because it would have reduced impacts related to air quality, emergency services, greenhouse

gas emissions and energy, hydrology and water quality, noise and vibration, population and housing, public utilities and solid waste, transportation and circulation since it is a small project. This alternative would generate a population of 1,065 individuals, which are 495 fewer individuals than the proposed project. From a per capita perspective this would reduce impacts to air quality, noise, public service demands, and generation of vehicle trips and greenhouse gas emissions. It would reduce the significant and unavoidable impacts to air quality to a less than significant level by substantially reducing ROG emissions. However, this Alternative does on achieve the project objectives.

PUBLIC NOTICE AND COMMENT

Public hearing notification is applicable. A total of 1,421 notices were mailed to owners, occupants, and interested parties of property within 1,000 feet of the site. The notices to owners and occupants were mailed on September 10, 2010. A Public Hearing Notice was published by *The Tri-City Voice* on September 7, 2010. In addition, 52 public hearing notices were mailed as a courtesy to interested agencies.

ENCLOSURES

Exhibits:

Exhibit "A"	Final EIR and Mitigation Monitoring Report Program (MMRP)
Exhibit "B"	General Plan Land Use Diagram
Exhibit "C"	Planned District Zoning Map
Exhibit "D"	Illustrative Concept Plan (P-1), Precise Site Plan (P-2), Lot Plans (A6-7, A13-14, A20-21, A27-28, Landscape Plans and Park Design Details (L1-12), Community Building Floor Plan and Elevation (A29-30)
Exhibit "E"	Planned District Development Standards and Design Guidelines
Exhibit "F"	Draft Development Agreement
Exhibit "G"	Findings and Conditions of Approval

Informational Items:

1. [Architectural Elevations and Floor Plans and Tentative Phasing Plan \(included in Informational appendix in Exhibit "D"\)](#)
2. [Letter from applicant regarding remaining lands](#)
3. [Ardenwood Boulevard Improvement Concept](#)

RECOMMENDATION

1. Hold public hearing.

Recommend that the City Council:

2. Certify the Final Environmental Impact Report (FEIR) and adopt the Mitigation and Monitoring Report Program and Statement of Overriding Considerations and find this action reflects the independent judgment of the City of Fremont.

3. Approve General Plan Amendment PLN2005-00186 to change the land use designation at the northeast quadrant of Ardenwood Boulevard/Paseo Padre Parkway from Open Space, 0.25-1 unit/acre, Study Area, Urban Reserve to Low Density Residential, 4-6 units per acre as shown on Land Use Diagram attached as Exhibit “B” (General Plan Land Use Diagram).
4. Find the Preliminary and Precise Plans for the project as depicted in Exhibit “D” (Precise Site Plan, Landscape Plans and Design Details), fulfills the applicable requirements set forth in the Fremont Municipal Code and approve a rezoning from Agriculture, Agriculture Flood Combining District to Preliminary and Precise Planned District, P-2005-186, with the boundaries as depicted on the Planned District Zoning Map attached as Exhibit “C,” and with the standards contained in the Preliminary and Precise Plans as shown on Exhibit “D” and Exhibit “E”. More specifically, including sheets P-1, P-2, A6-7, A13-14, A20-21, A27-30 and L-1-12 consisting of: Illustrative Concept Plan, Preliminary and Precise Site Plan, Lot Plans, Preliminary Landscape Plans and Design Details and Community Building Floor Plan and Elevation for P-2005-186, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit "G".
5. Recommend that the City Council approve the Development Agreement between the property owners and the City, as shown on Exhibit “F”, subject to findings and conditions in Exhibit “G”.

[illegible]

This map illustrates the proposed transit corridor and land use designations for Study Area 12. The corridor, labeled 'FOOT HORSE BIKE TR' and 'FOOT BIKE TR', runs diagonally from the top left towards the bottom right. It is flanked by residential streets on both sides. Key streets include Danville St, Norwalk St, Regent's Blvd, and Paseo Padre Pkwy. The map shows various land use designations: 'LOW 5-7' (Low Density Residential), 'MED 11-15' (Medium Density Residential), and 'OS 25-10' (Office/Service). The area is also labeled 'Study Area 12'. A circular feature labeled 'G' is located near the bottom left. The map includes a north arrow in the top right corner.